With these passing shots at Mr. Russell, who sat and martyr, without withdrawing his eyes om the counsei's, the latter passed on to read a few the criminal law of England, of 1863,

the law from the Court unhesitat

bridge or radivacy car are destroyed, has no relation to this case. Notther has the third degree any application to this case. Notther has the third degree any application to the case can come under any other than the first branch. Mr. Tremain—The question submitted to you, gentlemen of the jury, is whether or not the case falls under the first branch—whether the killing was perpetrated from a design to effect the death of the person killed or any other human being. A judge decided in a case that came up in the Pennsylvania courts that where a man shooting at game-fowl, with the intent to steal it, kills a person, or a person throws a piece of timber from an upper story of a house into the street and kills another, the person who committed these deceds would be a murderer under the common law, sithough there was no maince aforethought. Now the Supreme Court, in the case of the People against Enoch, said that these words, "premeditated design," were precisely like "mance aforethought." The Court said in this case, your Honor, that the term "malice aforethought," according to the legal and tecnnical meaning, is so nearly identified with the words "premeditated design" that little, if any, difference is discernible. Therefore the words "premeditated design" has well-defined the marderous, wicked heart. But the time has gone by, thank God, when by construction or otherwise a man can be condemned to death on a charge of murder in the first degree, unless it is proved that he has a malignant, dhabolical, willful intention to kill.

The only two degrees of manshaughter to which it will be necessary to call your attention are the ones defined manshaughter in the third and fourth degrees. In the third degree the killing of another in the heat of passion without the design to effect death by a dangerous weapon is justifiable or excussable manshaughter. The involuntary killing of a buman being by negligence, where such killine is not justifiable or execusable. The manshaughter in the third or fourth degree. One of the req

will consider any apolocy necessary on my part for the length of time I shall occupy, and when you consider that the words which I now present to you are the last words that I now present to you are the last words that I now present to you are the last words that I now present to you are the last words that will be heard on earth in his behalf before the question whether the prisoner at the bar shall live or die shall be decided. I urge that Fisk died from his wound. I will neam and not from his wound. I will assume that he ded from his wound. I will assume that he ded from his wound. I will assume that he ded from his wound. I will assume that he ded from his wound. I will assume that he ded from this mortal wound, I will assume that he ded from this mortal wound, I will assume that he ded from this mortal wound, I will assume that he ded from this mortal wound, I will assume attention to the question, "was the killing by the pioner murder?" Was it murder in the first dirgree, or murder in the second degree? To the determination of this question it is necessary that you should have before you the statute. I will ask one of my associates to read the statute defining murder and the statute defining murder and the statute of the first duty of a jury in the defining manishaughter. At this time you will perceive why I call your attention to the first he does not show that he is pure than John the Baptist; and I say that the killing of a human being, unless it be indicated to read the statute defining murder and the statute of the first duty of a jury in the defining murder and the statute defining murder and the statute defining the first duty of a jury in the definition of the fruth of an indictionate for murder, to inquire whether it is not justifiable or excussible homicide, or unless it belongs to one of those classes or subdivisions of homicide it is murder. Calling upon the humanity of the jury, I will nek thom to see whether it does not fail within that class frown as justifiable or excussible homicide. And

HIS ADMISSIONS TO BANK EXAMINER MEIGS-HOW THE TRUST FUNDS AND SPECIAL LOANS WERE USED IN WALL-ST .- FULL DETAILS OF HIS SPECU-

The trial of Frank L. Taintor, indicted for embezzling the funds of the Atlantic National Bank was begun yesterday, in the United States Circuit Court before Judge Benedict. In opening the case for the presecution, United States District-Attorney Bliss recited the often-reported story of Taintor's transactions, said that he should prove beyond a doubt that Taintor illegally used the funds of the bank in speculations in Wall-st., and closed substantially as follows:

Wall-st., and closed substantially as follows:
It will be urged by counsel for the defense that Taintor
used the funds of the bank as he did by and with the
knowledge and consent of the directors of the bank.
Now, even it the directors were in collusion with
Taintor in his stock speculations, they could not, under
the law, delegate their power to him. But be that as it
may, it will be found that the directors of the Atlantic
National Bank never gave the accused any authority to
use its funds in his Wall-st. transactions.

Ex-Mayor Hall cross-examined the witnesses intro duced by the prosecution, and they testified substan-

deed by the prosecution, and they testined substantial manufacture of the prosecution, and they testined substantial part of the color of the design to effect death by a dangerous weapont without the design to effect death by a dangerous weapont try limits of excussible, but the end of the color of the color of the third of force of the color of the colo tially as follows:

TAINTOR'S STATEMENT. Mr. Meigs here took from his pocket what he said was memorandum of the conversation he had with Taintor is a copy of the document :

tion of the bank with the Clearing-house, identified a and were all paid through the Clearing-house. A ticket for \$25,000 in gold was produced, and witness said: "I remarked that greenbacks were scarce, and that he had taken about \$25.000 in greenbacks on the ticket; I never saw the gold, and the greenbacks were not returned."
A ticket for \$50,000 in gold was handed to the witness, who continued : "That ticket was given to me on Apri , 1873, by Taintor, and I kept it with the gold of the bank,

2, 1873, by Taintor, and I kept it with the gold of the bank, or with what was called Government notes, payable in gold; the gold which the ticket represented was never given to me; nothing remained with me but the ticket." The tickets were then received in evidence.

Clarence W. Baldwin-I am clerk to the receiver of the Atlantic National Bank; I was formerly general bookkeeper in the bank; in the special leiger loan account of Nov. 12, 1872, there is a loan to L. H. Niles of \$10,000; it was signed "Taintor, Cashier;" the first I knew of the existence of the loan was when it came to me in the regular course of business, and further I never knew anything about it. On March 21 there was another check for \$22,000, for special loan, signed F. L. Taintor, to Mr. Niles; on Feb. 28, 1873, \$15,000; Feb. 20, 1873, \$15,000; March 2, 1873, \$25,000; Feb. 20, 1873, \$15,000; March 2, 1873, \$25,000; Feb. 20, 1873, \$15,000; March 2, 1873, \$25,000; The came account. There were some more special loans, but, with one exception, they were not paid.

The case was deferred until 10 a. m. to-day.

The case was deferred until 10 a. m . to-day.

DECISIONS—OCT. 27.

United States District Court—By Judge Blatchford.—In the matter of John H. Platt, sasignee, agt Alexander V. Stewart and others.—The morigages on the furniture are void as to the pisinitif, became not properly field, and are not leave not feel to be pisitife. The caims of the Mirchaut's National Bank of court. The conversaces of real estate to the defendant Stewart are void as to the plaintiff. The claims of the Mirchaut's National Bank of Lowell and of all the other judgment creditors, except Barnaley, to valid lens on the fands in court are disallowed. The claims of all the judgment creditors, except the Merchant's National Bank of Lowell and Barnaley, to valid lens on the said real estate are disallowed. The claims of the Merchant's National Bank of Lowell under its thard judgment to a valid lieu on said real estate are allowed. The claims of the Merchant's National Bank of Lowell under its thard judgment to a valid lieu on said real estate is received for further hearing. I am disposed to allow the three Sheriffs a proper compensation out of the funds in Court, but it is impunsible to say on the present evidence what it ought to be. A decree will be settled on notice. In the matter of Sineson Icaland and others, bankrups, as to the proceeds of the Grand Union Hotel at Saralogs.—Interest must be allowed to the bondiceletes under the fars merigace according to the terms of their bonds or debta, without reference to the rate of interest the money in Coart has extract. Interest on mopadi coupons will not be allowed, whether held with bonds or separately. The council foce paid or earned to respect of services in proving the bonds on the reference, or maintaining titles claimed under the mortgage, or proving other claims, cannot be relimbered from or paid out of the general fund. This also covers the case of those holding honds as confideral security. Place 12 separate coupons held by the receiver of the Union-square Bask must be applied, Daniel Drew is entitled to be paid the \$4.500 with inte

244, 2334, 2336 5, 200, 680, 1210, 2726, 3070, 310, 538, 1090, 1212, 1216, 1218

BOTHERS OF THE STATE OF THE TERM PART L DALT, 'Ch. J.—
COURT OF CORMON PLRIS—THIAL TERM—PART L—DALT, 'Ch. J.—
COURT OF CORMON PLRIS—THIAL TERM—PART L—DALT, 'Ch. J.—
Nos. 3213, 1835, 2361, 2405, 2228, 2365, 2373, 2423, 1494,
2375, 1945.
PART II.—LARRENDER, J.—Nos. 2270, 3512, 3598, 3619, 3623,
2376, 2398, 2397, 2333, 2420, 3630, 2335, 2005, 1912.
EQUITY TERM—J. P. DALT, J.—No. 72. Case on.

DEPARTURE OF FOREIGN MAILS.

Mails for Havana direct by steamship Wilmington, close at 2 p. m. A supplementary Mail, for double-postage letters and printed matter, is losed at 2:40 p. m. Steamship sails at 3 p. m. from Pier No. 13 N. R. Steamship sails at 3 p. m. from Pier No. 13 N. R. Mails for Europe via Queensiowa and Liverpool, per steamship lanhattan, close at 9 s. m. A Supplementary Mail for double-postage tters and printed matter is closed at the Post-office at 2.10:30 a. m. teamship lanhattan is from Pier No. 46 N. R. a. 11:330.

SHIPPING INTELLIGENCE.

PORT OF NEW-TORK ...

CLEARED.

Brig Andalusia (Br.), Matherson, Gingow, C. H. Trembud S Brig W. A. Huney (Br.), Swain, Kingston, Jam., Hernandes

. S. Bernice, Prostor, Boston.

LESTON, Oct. 26.-Arrived, steemship Manhattan, from New

SPOKEN.
Hermine (Gez.), from Bremen for New-York, Oct. 1, lat. 48,

Battimore, Oct. 27.—The bark Campaner, before reported a ff Waits Island, Chesapake Bay, After being lightened by oval of 1,200 bags of codes, floated of, and reached this city (For Latest Ship Neins see Fifth Page )

#### REAL ESTATE:

NEW-YORK, Monday, Oct. 27, 1873.

There were no public transactions at the Exchange Salesroom to-day. Mr. James M. Miller ad journed the Supreme Court sale of house and lot No. 9 West Thirtcenth-st. until Nov. 5, at the same hour and

West Thirteenth-st. until Nov. 5, at the same hour and place.
The following sules are announced to take place at the Exchange to-morrow:

By James M. Miller.
Under the direction of P. S. Halstead and Robert P. Perrin, executors of Margaret Gale, two lots of land north-west corner of Minth-are, and Dights-ninth-st; corner for. 25 Skx100; inside lot, 25x100. Under the direction of Nationaled Jarvis, jr., eq., refere, one but of land north-side of Pity-eighth-st, and south side of Pity-ninth-at., 135 feat east of Pitth are. 25x200.10; one lot of land south-west corner of Blecker-st, and South Pitth-are., 25x125. Under the direction of St. C. Beautish, eq., referce, bones and iot north-side of Mailson-st., 25x105, feat east of Scannel at., 25x1056. Also, local sale, Fity-drihats, south side, 425 feat west of Righth-are., 20x1005.

Local sale, Thempson-st, cast side, 150 feat north of Blecker-st., 25x100.

By Adrian H. Muller & Son.

Lerslanic, Thempson-st., east side, 150 feat north of Biercker-st. 25:100.

By Adriem H. Muller & Son.
Legal sale, 10 city lots, One-hundred and Afry-hunthest., 350 feat east of hightheave.

By Joseph McGuire.

Supreme Court foreclosure sale of house and lot, No. 20 Avenue C, east side, 60 feet north of Secondest., lot 20:50.

Messra, Locount & Pine will sell at New-Rochelle, Westchester County, on the ground, to-morrow, Taesday, at 11 a. m., the bandsome residence and 144 building lots lately owned by the Hon. Albert Badeau. The lots front respectively on Division-st., Union and Badeau-places, Avenue A. Washington and Union-aves. The property is located in a central part of the village, in close proximity to railway depots, and near Huguenot Park. Persons wishing to attend the sale can take the train at 200 or 10:10 o'clock. Maps will be furnished by the auctioneers.

Messra, Lesphusse & Friedman report the sale on 141

Mesers. Lespinasse & Friedman report the sale of 14) of the south side of Two-hundred-and-sixteenth-st., reveen Thirteenth and Fourteenth-aves., for \$25,000

DEPARTMENT OF BUILDINGS. 

.417 West Fifty-thirdest, unsafe generally, N. I. Sanday-school on exper.

8 Stanton et., rear, unsafe chimneys, Lee & Alvord, owners.

270 Bowery, unsafe chimney, Lee & Alvord, owners.

247 Bowery, unsafe chimney, Lee & Alvord, owners.

247 Bowery, unsafe chimney, Lee & Alvord, owners.

251 Bowery, unsafe chimney, W. N. Beach, owner.

253 Bowery, unsafe chimney and rear arch; W. N. Beach, owner.

253 Bowery, unsafe chimney and rear arch; W. N. Beach, owner.

103 Clinton-st, rear, unsafe chimneys, Livingston estate, owner.

93 Clinton-st, rear, unsafe chimneys; Livingston estate, owner.

105 Clinton-st, rear, unsafe chimneys; Livingston estate, owner.

158 Delancey-st, unsafe chimneys; Livingston estate, owner.

159 Avenue U, unsafe front wall; C. J. Folsom, agest.

249 West Houston-st, unsafe front wall; Corportalion Trinity

the owner. 

Parket, n. a., 34 feet east of Baxter-st, one brick work shop, one teer, 17x50 feet; Tim Leavy owser.

West Fifty here-t. No. 137, Feet, one brick, second class dwelling, westering, 200,618 feet, Alex, Benner, owner.

BUILDING RECORD

City Real Estate for Sale.

Brookinn Real Estate for Sale.

#### Country Real Estate for Sale.

gages, or Real Estate, in or near this city-improved and units red, uninnumbered BRAL ESTATE, in a delightful country, jus-med by railroad, about taree hours from New York. A. J. HARDENBURGH, 271 Broadway.

WESTCHESTER COUNTY PROPERTY for SALE-One bundred scree of land, situate between Wil-tiamshridge and Woodlawn Cometer: will be said together or in lots to said. Inquire of JOHN S. MARCY, 31 Pres at., second story.

#### New-Jersen Real Estate for Sale.

HOME IN THE COUNTRY .- Central N. J.

CHOICE BUILDING SITES-Forty minute mod railread bonds in payment at market price. Address OWNER, EXECUTOR'S SALE of valuable grain and

grass FARM, containing 116 acres, and 100 acres of pasture and hand, near N. J. West Line Railroad, and 30 unites from this city, description, and trains, inquire of JACQUES, 208 Broadway. ORANGE, N. J.—Great variety property for sale. Houses firmished and unfurnished to rent. Sale Catalogues. Office hours from 11:80 till 1. H. GERRY, 39 Nassau, cer. Liberty-st Sonce sours from 11:50 tief I. H. GERRY, 39 Nascen, cer. Liberry at

\$60 PER MONTH.—Tristy HOUSE and
grounds, 40 minutes by Central Railroad, usar depois;
parements, police, steam fire department, frequent late trains, low fares;
pare, well-foranced, and healthy location; wide halls, plazars, call-bells,
tas, hot and cold water, heater, storm-doors, &c., one are laid out,
bearing small and large fruits, shale, &c.; attractive place, worth
\$15,000; will sarriden; parments ever. Inquire at West Elizabeth
denot leave to an interest of the contractive place. \$13,000; will sacrifice; partients earr. Inquire at West Elizabeti depot, near by, or address OWNER, Post-Office, Box No. 134, Elizabeth, N. J.

Anction Sales of Real Estate

JERE. JOHNSON, ir., Auctioneer. Office, No. 21 PARK-ROW, opposite new Post-Office, Astor Hou and the learnious of all the city car links.

REAL ESTATE PROMPTLY SOLD AND EXCHANGED.

Auction sales of Stocks, Furniture, Merchandise &c.

Anciles asies of Stocks, Parsonner.

FARM AT AUCTION.

on the premises, the fine STOCK DAIRY and GRASS FARM lately occupied by ABRAHAM W. STORM, situated near Lagrangeriffe Depole Datebase Co., on the N. T., Boaton and Montreal Railrond, 18 miles from Batchesa Juection and 10 miles from Poughkeepsie. The larm contains 315 acres of fear-classe agricultural laint, well watered from never-failing springs, and is in a high state of califyration; it has caready buildings, all in good order. Satisfactory terms can be arranged. JOHN W. STORM, WM. A. STORM.

E COUNT & PINE, Auctioneers—Will SELL
at Public Anetion on the premises, on TUESDAY, OCTOBER
28, last, at 11 o'clock a. m.

Located in the Central Part of NEW ROUHELLS, N. Y., together with the Mandon hase, late the property of the HON, ALBERT BADEAU.

This is in all respects first-class property, lying within 5 minutes' waits of that magnificent locality known as "Lather's Hill," and within three minutes of the railroad station. This property is widely known as one of the most charming spots in

WESTCHESTER COUNTY.
Sale positive. Trains via N. Y., N. H. and H. R. R. will leave Grand Cautral depot at 9:05 and 19:10 a. m.

For maps. namphicts and particulars apply to CHAS, H. ROOSE-VELT, esq., Attorney at Law, 11 Wallet., N. T. or to

LE COUNT & PINE, Auctioneers,

136 Pearl-st., N. Y., and Main-st., New-Rochelle.

#### Beal Estate'to Exchange

AT TARRYTOWN.-Large brick HOUSE
And three acres LAND to exchange for New York improved property.

BULAND & WHITING, 5 Beckman-st. MILL PROPERTY at MIANUS-Will Ex-Brooklyn or other improved property.

E. FEREIS, 185 Washington-st.

#### City Property to Let.

STABLE TO LET-Large STABLE, with HOMER MORGAN, 2 Pine TO LET-Elegantly furnished HOUSE on A Pith-ave. near 36th-st; complete and commodious sleep; apartment on first floor, large Library, &c., &c. Rent to a small privatable, \$500 per month. (2407) HOMER MORGAN, 2 Pine-st.

## Brookinn Property Co Let.

TO LET—The new, elegant, four-story brown-store HOUSE, all modern improvements: Third-st, between Sixth and Serouth-aves, hear entrance to Praspect Park; rest, \$500. Apply to W. S. MELDRUM, 132 Church-st. TO LET OF FOR SALE OF EASY TERMS, FOUR STORY HOUSE AND STORE No. 102 Pincapolest. GORDON L. FORD, 97 Chrs.-st., Brooking.

### Country Property to Let.

AT MORRISTOWN.-To LET, farnished and A immediate possession, a real good home, with horses, carriages, iver, &c. J. SMITH DODGE, 15 West Twentlethes.

#### fotels.

FLORIDA.—NEW HOTEL.—Parties wishing to subscribe for bands or desiring information regarding plans, & c., will please address F. H. ORVIS, Equinox House, Manchester, Vermonia. VERMONT SUMMER HOME, Poultney, Vt.

-Eer. J. NHWMAN, D. D., Prop. Open from May 1. Special rates to families and spayed reacting. Aliscellaneous.

WM, VAN NAMEE, M. D., having re-turned from Egrope, is now located at 1,289 Broadway. Trans-ages of Chronics and Acute Diseases. Circulars, containing full par-ray Testimatile, fermined (res. Consultation from Charge-

PERFECTION!

BOKER'S BITTERS. BEWARE OF COUNTERPRITS.

Co Whom it man Concern

# BOOK on STRICTURE, Fistula, Piles, Impo-lence, Discusses of the Generality Organs, by HENRY & OANIZLA, M. D., 144 Lexington-are. Mailed for 25 cents.

Election Notice. TO the SHERIFF of the COUNTY of NEW-YORK-Size: Notice is hereby given that, at the vieneral Election to be held in this State on the Tocsday size eading the first Monlay November until, the following affects are, the selected, 30 with

critical by the Board of State Canvassers. The existing law in refer-on a general election shall in all respects, so far as applicable, upplind regulars the proceedings and duties of the said Board of County state Canvassers, and of the County Cerks and Secretary of Sharom the statements made to the Board of State Canvassers it shall craine whether a underity of the voice upon the questions submitted be electors of the State, as berein provided, but the affirmation submitted to the state of the State, as because of the same to the same a bit of such determinant and shall deliver the same to the Secretary of State, who shall alls ame in his office. and shall deliver the same to the second and in his office, and in his office, see S. H. in majority of all the ballets indersed "Appointment o Suc. S. H. in majority of all the ballets inder of the Court of Appeals that in the affirmative, the

Insections of the cases and in make a certificate of such determination, and shall deliver the same to the Secretary of State, who shall all the such as the court of Appeals, and of Ansiers of the Segment of the Court of Appeals, and of Ansiers of the Segment Court, "stall be in the affirmative, these the said offecers shall not after said election be elective, but, as vocames cocur, they shall be fitted by appointment by the Governor, or and with the advice and consent of the Senate, or if the Senate be not in secolos, by the Governor; but in such case he shall not after said second by the Governor; but in such case he shall not make to this Senate, when he shall not shall not shall not be the said offers and the second power of the second power of the second power of the second power of the said offers and the elective said herefore. If a majority of the hallots the such of the said offers shall be elective as herefore. If a majority of the hallots the south of the said offers shall be elective as herefore. If a majority of the hallots the south of the said offers shall be elected as the state of the second of the said offers shall not after said election be elective, but as vacamies occur they shall be field by approximent by the Governor boy and with the advice and consent of the Senate, or if the Senate be not in section, by the diversor' but in such scate he said notes to be shall expire at the own of state to cause the said uncertaint to the Governor shore shall expire at the own of state south as all normalizes to the State, when nor it convents, and scate spontiment by the Governor shore shall expire at the own of state to cause the said questions, together with the forms of the billots as leverin specified, to be published in two or more newspapers to each of the contains of this State, the said questions, together with the forms of the billots are level as a province of the state of the control of the state of

Sac. 18. The Act that the properties of such parts as are otherwise vided for, and as to such parts it shall take effect at the time or to the Act specified; and except also as to section seventeen, which

Yours respectfully, G. HILTON SCRIBNES, Secretary of State

SHREIFF'S OFFICE, NEW COURT-BOSSE,
CITY AND COUNT OF NEW YORK, August 1, 1873.
I certife the foregoing to be a true copy of the election under receive
by me this day from the Secretary of State.
Sheriff of the City and County of New York,

Notice is also given, pursuant to a resolution of the Beard of Abbermen of the cits of New York, that under and pursuant to the provisions of Chapter 335, of the Laws of 1873, entition, "An Act to reorganize the local government of the city of New York," and the exta suitedatory thereof, at the General Election aforsaid, to be held as aforesaid, there is to the absolute of the city of th there is to be elected.

An Alderman for the city of New-York in the place of HENRY CLAUAn Alderman for the city of New-York in the place of HENRY CLAUSEN, appointed by said Board to flights warancy occasioned by the death
of PETER GILSEY, for the unexpired term for which said PETER
GILSEY was elected as such Alderman, the antil the first day of James 17, 1873.

MATTHEW T. BRENNAN, Sheriz.

ary, 1875.

Publishers of newspapers are notified not to insert this advertisement of the specially actionized to do so. See Chapter 430. Laws of 1880 actions specially actionized to do so.